

John H. Schneider, MD, MS-ADR
Reg # 64084298
Metropolitan Correction Center
808 Union St.
San Diego, CA 92101
Pro Se Defendant

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2019 APR 12 AM 9:44
STEPHAN HARRIS, CLERK
CHEYENNE

IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JIMMIE G. BILES, JR.,

Plaintiff and counter-Defendant,

v.

JOHN H. SCHNEIDER, JR.;
MICHELLE R. SCHNEIDER;
And MEDPORT, LLC.

Defendants and counter-Plaintiff.

Cause No. 19-CV-48-F

ANSWER TO COMPLAINT AND
COUNTERCLAIMS

COME NOW John H. Schneider Jr., as a pro-se Defendant, representing himself and Medport, LLC. The court is notified that I, John H. Schneider, am incarcerated at the Metropolitan Correction Center and must receive all legal correspondence certified to my attention for parties John H. Schneider and Medport, LLC. Upon change of address, I shall promptly notify the court during this litigation.

ANSWERS TO COMPLAINT

1. John H. Schneider and Medport, LLC deny allegations set forth in this matter, denying claims of breach of contract, denies claims of conspiracy, and denies allegations set forth in item thirty of plaintiff's claims of conspiracy during prior litigation.

2. John H. Schneider denies allegations that “he lost his license to practice medicine in 2014. John H. Schneider maintained an unrestricted medical license in Montana through February 2019, when he electively did not renew his license. John H. Schneider MD is a licensed physician in Utah, without restriction as of this date.
3. John H. Schneider denies defaming or causing emotional distress or tortious interference with the medical practice of Jimmie Biles, a Wyoming physician.
4. John H. Schneider denies allegations that Medport, LLC is owned, operated or employs, or maintains corporate or board positions for Michelle Schneider, Brandon Schneider or Kathleen Burrows.
5. John H. Schneider denies that he or Medport, LLC posted disparaging comments about Jimmie Biles by revealing confidential discovery testimony by unrelated third parties bearing witness against Biles through his past deeds and offenses. John H. Schneider and Medport, LLC deny solicitation of these independent accounts of Jimmie Biles nefarious and criminal behavior and enterprise.
6. John H. Schneider and Medport LLC deny purposely posting new or non-public access documents with the intent of damaging Plaintiff, defaming or depriving Plaintiff of his contractual rights or causing Plaintiff or his family emotional distress.
7. John H. Schneider and Medport LLC deny that the website www.healthcare-malpractice.com is owned and operated by Plaintiff’s definition of “The Schneider Defendants.”
8. John H. Schneider and Medport LLC deny that “The Schneider Defendants” as defined by Plaintiff, posted any information, at any time, past or present, on Facebook.com, with regard to Biles or any person or entity.
9. John H. Schneider and his company Medport, LLC deny any communication in any form with any other individual, except past legal counsel, regarding any information posted on Facebook.com or www.healthcare-malpractice.com.
10. John H. Schneider and Medport, LLC deny any communication in any form with Michelle Schneider regarding Medport, LLC business practices and Medport, LLC and John H. Schneider

deny consulting, disclosing, sharing or communicating with Michelle Schneider pertaining to any posting on Facebook.com or healthcare-malpractice.com.

11. John H. Schneider and Medport, LLC deny allegations that these parties or party defined by Plaintiff as "The Schneider Defendants" developed or created documents posted on the internet. These discovery documents were memorialized by the Bonner-Stinson law firm in 2011.
12. John H. Schneider and Medport LLC deny that materials posted on websites referenced in this Complaint were protected and preserved by prior settlement agreement between the parties. Defendants will prove at trial that this exact document was in the possession of Jimmie Biles and circulated by his former partners, Steven Emery MD and Frank Schmidt MD in litigation occurring in 2013 between Biles and these orthopedic surgeons in Cody, Wyoming.
13. John H. Schneider and Medport LLC deny this document and its assertions were confidential, as this information, as required by court order, was made public during the bankruptcy proceedings of John H. Schneider in 2014; the subsequent litigation within the bankruptcy (see *Womack v. Schneider, et al*, Montana District Bankruptcy Court) in 2015; the criminal discovery and public arguments, including the current pending Ninth Circuit court review in *U.S.A. v. John H. Schneider*, Montana District Court. Each of these proceedings reproduced the document in question, posted on healthcare-malpractice.com with paraphrased testimonials on Facebook.com.
14. John H. Schneider and Medport LLC deny that the "Schneider Defendants" as defined by Plaintiff, exists in any form. John H. Schneider will demonstrate to the court that despite incorporation, Medport, LLC is nothing more than an alter ego of John H. Schneider alone.
15. John H. Schneider and Medport LLC deny breaching covenants of good faith, community standards of decency, fairness or reasonableness and deny allegations that the facts independently portrayed by testimony from community members in and around Cody Wyoming is new or unrevealed information not already present, discussed and available to the Wyoming community though independent sources in said community not affiliated with John H. Schneider or Medport, LLC.

16. John H. Schneider individually and through his corporation deny any other party conspired, contributed or was aware of postings on Facebook.com and healthcare-malpractice.com; further denying the existence of the plaintiff alleged "Schneider Party."
17. John H. Schneider and Medport LLC deny allegations individually and in summary in each and every line item 41-57 in Plaintiff's first cause of action in filed complaint 3/8/2019.
18. John H. Schneider and Medport LLC deny each and every item in plaintiff's second cause of action, items 58-63 in filed complaint 3/8/2019.
19. John H. Schneider and Medport LLC deny each and every item in Plaintiff's third cause of action, items 64-69.
20. John H. Schneider and Medport LLC are separate legal entities from Michelle Schneider, who is not jointly or severally liable for any action of John H. Schneider or Medport, LLC for which Michelle Schneider has no knowledge, authority, participation, contract or ownership, as defined by the federal government, John H. Schneider and his alter-ego Medport, LLC will demonstrate that Michelle Schneider is a separate and severable legal entity.
21. The court must reject Plaintiff's request for a restraining order as it violates John H. Schneider's constitutional right to free speech. In addition, the Facebook page and healthcare-malpractice website are owned and controlled exclusively by John H. Schneider and/or his alter-ego company Medport, LLC and John H. Schneider, while in federal custody, has no access to a computer with internet access. Therefore, the court is notified that while in custody, John H. Schneider is unable to comply with such an order and fears the court will view this as contempt when the reality of incarceration prevents application of any such court order.
22. John H. Schneider and Medport LLC will demonstrate to the court that Plaintiff Biles claims in this action are frivolous and without merit.
23. John H. Schneider will demonstrate that the information contained in this document, reproduced by healthcare-malpractice.com and Facebook.com was publicly accessible and well known to

medical and civilian community members in 2013. Furthermore, Biles, aware of the original of this document in 2014, failed to file a claim of breach of the settlement contract at that time.

24. Biles' opportunity to file this claim has past the statute of limitations and current internet posting merely reiterate public well-known information pertaining to Biles by parties who were mercilessly bullied by Biles, had their lives threatened by Biles, their finances destroyed by Biles and suffered severe emotional consequences at the hands of a malevolent power-hungry predator.
25. John H. Schneider and Medport, LLC, exclusive owner of the Facebook posting and healthcare-malpractice.com submit to the court that each testimonial included in the alleged document is true, accurate and constitutes truths about Biles independently provided by multiple non-connected parties. These testimonials were provided free of coercion or promise by defendants and through members of the court, the Bonner-Stinson law firm. As each party providing testimonial should be considered honest and credible, as will be demonstrated at trial, the facts concerning Biles are true and valid. The court must hear from these victims and defendant John H. Schneider is confident that any and all claims by Biles in this action will be dismissed because of the truth inherent in these victims' testimony. Biles will be revealed as a predatory bully with a reckless alcoholic past that has endangered patients and the community at large.

COUNTERCLAIM

1. John H. Schneider notifies the court of this counterclaim against counter-defendant Biles.
2. Counter-Plaintiff John H. Schneider asserts that Jimmie Biles employed members Dan Fleck and Kristine Hand of the Spence Law firm litigating Biles v. Schneider, No. 2:11-cv-00366-NDF and authorized and was aware of any and all methods the Spence Law Firm utilized in information discovery in this case. As such, Plaintiff John H. Schneider requests, under Wyoming law, that Jimmie Biles be held civilly and criminally liable for methods of electronic document intrusion and auditory surveillance of private property employed by his legal counsel, to be demonstrated through discovery to this court.

3. Plaintiff John H. Schneider further requests a finding of breach of contract against Biles for his discussion with Cody medical staff and his former employees and family members of details protected by the prior settlement confidentiality agreement in question.
4. Plaintiff John H. Schneider requests the court hold Jimmie Biles liable for his employed legal counsel whom continually breached the settlement agreement, intentionally inflicting harm emotionally, professionally and personally against John H. Schneider through presentation of distorted "facts," false claims and conclusions by Biles legal counsel directly to the media, civilian non-parties, legal and administrative panels, all designed to destroy the livelihood and reputation of John H. Schneider.
5. Plaintiff John H. Schneider will, in all likelihood, with the court's authority, prevail in these claims against Jimmie Biles for various and direct liability associated with the "Biles Team" behavior. John H. Schneider and Medport LLC will furthermore likely prevail in defending against the frivolous claims made by Biles in this complaint.
6. John H. Schneider will further prevail in presentation of documents and discovery that Michelle Schneider has no physical or fiduciary relationship or control of Medport LLC and had no knowledge or influence, opinion or participation in past or current activities of John H. Schneider or Medport LLC regarding nay past or current publication on the Facebook page owned and operating by John H. Schneider or the website healthcare-malpractice.com, also owned and created by John H. Schneider and his alter-ego Medport, LLC.

DAMAGE REQUEST

7. As a direct and proximate result of the Biles team's actions concerning counter-Plaintiff, as described herein, counter-Plaintiff's damages are presumed by the contract and as a matter of law.
8. As a direct and proximate result of the reckless, willful, wanton and intentional conduct of the Biles Team as described herein, counter-Plaintiff John H. Schneider has incurred the following damages:

- a. General damages, including injury to reputation, loss of credibility among peers, patients and the public, and all other general damages;
- b. Lost business, past and future;
- c. Loss of profits, past and future;
- d. Loss of earning capacity;
- e. Loss of enjoyment of life, past and future;
- f. Emotional pain and suffering, including anxiety, depression and other mental suffering, past and future;
- g. Exemplary and punitive damages as a result of the malicious, intentional, willful, wanton and reckless conduct of the Biles Team as described herein;
- h. Attorney fees and costs of this action, as required by contract; and
- i. Such other relief as the Court deems equitable and proper.

WHEREFORE, John H. Schneider and Medport LLC request the court to dismiss all claims against them as entwined entities and find that the Biles Team allegation and definition of "The Schneider Defendants" doesn't exist and therefore the claims must be dismissed. Wherefore, counter-Plaintiff requests the following relief:

- 1. Judgment against the Biles Team for damages presumed as a result of the breach of contract, and the breach of the covenant of good faith and fair dealing.
- 2. Judgment against the Biles Team for general damages in an amount consistent with the allegations contained herein and to be proven at trial.
- 3. Judgment against the Biles Team for special damages in an amount consistent with the allegations contained herein and to be proven at trial.
- 4. Judgment against the Biles Team for exemplary and punitive damages in an amount consistent with the allegations contained herein to be proven at trial.
- 5. Judgment against the Biles Team for liquidated damages, costs, interest, and such other and further relief as the Court deems just and reasonable.

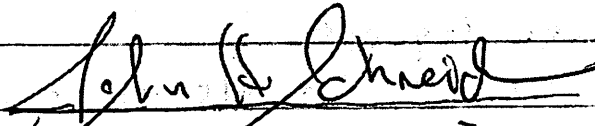
DEMAND FOR JURY TRIAL

Comes now Plaintiff John H. Schneider, a pro-se counsel, requests this matter be tried to a jury and submits the requisite fee imposed by the court as the court requires.

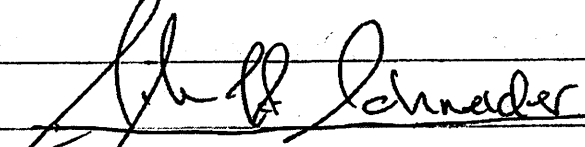
{SIGNATURE PAGE FOLLOWS}

free to a jury and submit
the requisite fee imposed by the
court as the court requires.

Dated 15 April 2019



John H. Schneider individual



John H. Schneider, owner & CEO
Meopart LLC.

CERTIFICATE OF SERVICE

I, Gregory G. Costanza, hereby certify that on the 10th day of April, 2019, I served a true and correct copy of the foregoing document and, where appropriate, correctly addressed to the following:

_____ by personal service
_____ by FAX to the following FAX number
 X by email addressed to the email address below
 X by depositing a copy of same in the United States Mail, postage prepaid, and addressed as follows:

The Spence Law Firm, LLC
R. Daniel Fleck
M. Kristeen Hand
15 South Jackson
P.O. Box 548
Jackson, WY 83001
Attorneys for Plaintiff

Clerk of U.S. District Court of Wyoming
2120 Capitol Avenue
Room 2131
Cheyenne, WY 82001-3658

By 

Gregory G. Costanza